

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF SOUTH CENTRAL	)	
BELL TELEPHONE COMPANY TO	)	
RESTRUCTURE AND REPRICE ITS 1.544	)	CASE NO. 10402
MEGABIT SERVICE	)	

AND

THE TARIFF FILING OF SOUTH CENTRAL	)	
BELL TELEPHONE COMPANY TO	)	
RESTRUCTURE ITS LIGHTGATE SERVICE	)	CASE NO. 10403
TARIFF	)	

O R D E R

On June 9, 1989, the Commission entered an Order in these cases ruling on a motion for reconsideration filed by AT&T Communications of the South Central States, Inc. ("AT&T"). On June 29, 1989, AT&T filed a motion for clarification. On July 10, 1989, South Central Bell Telephone Company ("South Central Bell") filed a response to AT&T's motion for clarification.

AT&T contends that certain statements in the Order of June 9, 1989 appear to conflict with (1) the terms and conditions of South Central Bell's tariff filings in these cases; (2) South Central Bell's responses to various information requests; (3) the testimony of South Central Bell's witness at public hearing; and (4) South Central Bell's response to AT&T's motion for reconsideration. Accordingly, AT&T seeks clarification:

. . . regarding the nature and extent of South Central Bell's MegaLink and LightGate tariffs. At the very least, AT&T believes that South Central Bell's MegaLink

and LightGate tariffs must be modified to indicate that the services may be used in connection with certain interLATA facilities and/or services.<sup>1</sup>

South Central Bell responds that AT&T's motion for clarification is unfounded and should be denied and dismissed.

AT&T's motion for clarification focuses on certain statements in the Order of June 9, 1989. First, in stating disagreement with AT&T's representation that MegaLink and LightGate services will be used as substitutes for access services, the Commission explained that:

Under the MegaLink and LightGate tariffs, an end user can obtain service and create "hubs" to link various intraLATA locations. However, connection to an interLATA carrier's point of presence must be obtained through access services and interLATA service must be obtained through an interLATA carrier. Such integrated arrangements are appropriate and represent a reasonable combination of distinct interLATA and intraLATA service offerings.<sup>2</sup>

Second, in discussing a network proposal South Central Bell made to the Commonwealth of Kentucky, the Commission explained that:

Finally, in the view of the Commission, South Central Bell's proposal to the Commonwealth represents a reasonable combination of interLATA and intraLATA service offerings that does not violate any rule or regulation. Such a proposal could have been made by any common carrier under the Commission's jurisdiction. Furthermore, the proposal does not constitute any new evidence to lead the Commission to reconsider its original decision in these cases.<sup>3</sup>

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<sup>1</sup> AT&T Motion for Clarification, page 4. LATA is an acronym for Local Access and Transport Area.

<sup>2</sup> Order in Case Nos. 10402 and 10403 dated June 9, 1989, pages 5-6.

<sup>3</sup> Ibid., page 6.

The Commission finds no conflict between these statements and the records of evidence in these cases. There is no conflict between these statements and tariff terms and conditions, discovery responses, testimony, or pleadings. Evidently, AT&T believes a conflict exists because it interprets the Order of June 9, 1989 to mean that "South Central Bell is properly authorized to combine MegaLink and/or LightGate services with distinct interLATA service offerings."<sup>4</sup> This is not the case. South Central Bell did not seek and was not granted such authority. Instead, the Commission recognized that end users can arrange for their telecommunications needs through the purchase of interLATA services from interLATA carriers and intraLATA services from intraLATA carriers and integrate such services through appropriate access services.<sup>5</sup> The distinction between South Central Bell's authority and an end user's options could not be made clearer.

The Commission will not require South Central Bell to modify its MegaLink and LightGate tariffs to permit connection to interLATA services, as connection can be accomplished through access services. As indicated in the Order of June 9, 1989,

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<sup>4</sup> AT&T Motion for Clarification, page 4.

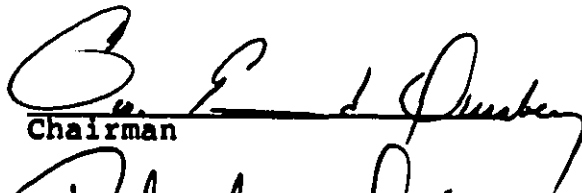
<sup>5</sup> This does not preclude an end user from entering into an agency agreement with a common carrier, whereby, for example, South Central Bell might order interLATA service on behalf of a customer or AT&T might order intraLATA service on behalf of a customer. See Order in Case Nos. 10402 and 10403 dated June 9, 1989, page 6.

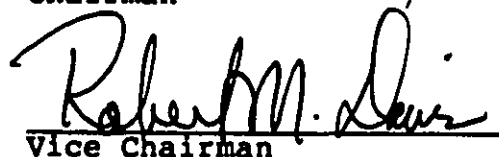
MegaLink and LightGate are tariffed and marketed as intraLATA services.<sup>6</sup> Under present tariffing arrangements, the modification AT&T seeks would require that MegaLink and LightGate be tariffed and marketed as access services. The Commission finds no compelling reason to require such a change in service classification.

Accordingly, IT IS ORDERED that AT&T's motion for clarification be and it hereby is denied.

Done at Frankfort, Kentucky, this 19th day of July, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Executive Director

<sup>6</sup> Order in Case Nos. 10402 and 10403 dated June 9, 1989, pages 4-5.